REMARKS

Applicants appreciate the Office's review of the present application. In response to the Office Action, the cited references have been reviewed, and the rejections and objections made to the claims by the Examiner have been considered. The claims presently on file in the present application are believed to be patentably distinguishable over the cited references, and therefore allowance of these claims is earnestly solicited.

In order to render the claims more clear and definite, and to emphasize the patentable novelty thereof, claims 1-2, 9-10, 15-16, and 23 have been amended, and new claims 28-29 have been added. Support for any new claims is found in the specification, claims, and drawings as originally filed, and no new matter has been added. Accordingly, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

Rejections

Rejection Under 35USC Section 102(b)

Claims 1, 6-9, 13, 15, 20-23, and 25-27 have been rejected under 35 USC Section 102(b), as being anticipated by U.S. patent 5,692,111 to Marbry at al. ("Marbry"). Applicants respectfully traverse the rejection and request reconsideration based on the amendment to claims 1, 9, 15, and 23, and features in the other claims which are neither disclosed nor suggested in the cited reference.

As to a rejection under 102(b), "[a]nticipation is established only when a single prior art reference discloses expressly or under the principles of inherence, each and every element of the claimed invention." *RCA Corp. v. Applied Digital Data Systems, Inc., (1984, CAFC) 221 U.S.P.Q. 385.* The standard for lack of novelty, that is for "anticipation," is one of strict identity. To anticipate a claim, a patent or a single prior art reference must contain all of the essential

elements of the particular claims. _Schroeder v. Owens-Corning Fiberglass Corp., 514 F.2d 901, 185 U.S.P.Q. 723 (9th Cir. 1975); and Cool-Fin Elecs. Corp. v. International Elec. Research Corp., 491 F.2d 660, 180 U.S.P.Q. 481 (9th Cir. 1974)._ The identical invention must be shown in as complete detail as is contained in the claim. _Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)._ The elements must be arranged as required by the claim. _In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)._

Independent claim 1 (amended), and its dependent claim 6, are patentably distinguishable over the cited reference because claim 1 emphasizes the novel features of the present invention in which an application program selects a general print driver as the destination printer in a print menu and then directly calls the general printer driver from the application. In this regard, claim 1 recites:

"1. (Currently amended) A method of determining information regarding at least one printer available to receive a print job from a client computer, comprising:
    calling a general printer driver directly from an application executed by the client computer;
    transmitting a query from the client computer to a server via a network for an identification of the at least one available printer;
    receiving an identification of the at least one available printer from the server;
    downloading a file from the server used to support printing to a selected one of the at least one available printer; and
    wherein the general printer driver is accessible as a destination printer in a print menu, and wherein the general printer driver is configured to initiate the transmitting when selected as the destination printer." (emphasis added)

The Marbry reference discloses "a point-and-print capability" that:

"allows a user to print on any printer available within a distributed system by simply selecting a printer and requesting to print on the printer. The retrieval of configuration information and installation of the printer is performed transparently relative to the user of the workstation. The required printer configuration information is retrieved from a database that is maintained at a network server for the network that includes the target printer." (Abstract)

However, as acknowledged by the Office, "Marbry does not disclose the use of a generic

print driver", e.g. the general printer driver recited in claim 1 (Office Action, p.4). Additionally, the Marbry reference does not disclose that the general printer driver is <u>accessible as a destination printer in a print menu</u>, as recited in claim 1. One example of such a general printer driver is the "Virtual Printer (Locate Available Printers)" destination printer illustrated in Fig. 4 of the present application. Instead of such an arrangement, Marbry discloses providing a Browse for Printer subwindow (Figs. 2A-2B) containing a Network Neighborhood

> "that allows the user to select a printer that the user wishes to employ to print a document. The list of printers available to a user may include printers that are part of a network served by the network servers 18 or 20. For example, as shown in FIG. 2A, a user interface 29 provides a user with a list of servers that are available in a network neighborhood. When a user selects one of the servers, such as server "Lins2," a list of printers (e.g., "hp" in FIG. 2B) on the server is displayed. A difficulty arises when the user requests to print a document on a printer in a network for which the configuration information and printer driver are not locally installed. The preferred embodiment of the present invention overcomes this difficulty by transparently copying the requisite configuration information and printer driver to a location that is local to the workstation so that the workstation may access the printer configuration data and printer driver to print the document on the remote printer."

Significantly, the Marbry reference says nothing about accessing the general printer driver as a destination printer in the print menu, as recited in claim 1. The novel features of the present invention are not anticipated by the Marbry reference in that the essential element of a general printer driver accessible as a destination printer in a print menu is absent from the Marbry reference. Therefore, the rejection is improper at least for that reason and should be withdrawn.

Applicants also wish to comment with regard to the possibility of a subsequently-issued rejection under 35 USC Section 103(a) deeming claims 1 and 6 unpatentable over U.S. patent 5,692,111 to Marbry at al. ("Marbry") in view of U.S. patent 5,644,682 to Weinberger et al. ("Weinberger"). In the present Office Action, it is stated that "[t]he secondary reference, Weinberger, discloses in Fig. 2 and column 4, lines 1-5 that their personal computer has a Universal Print Driver Dynamic Link Library (i.e. general print driver)." (Office Action, p.4).

The Weinberger reference discloses "[a] method and system for incorporating additional indicia into a document generated by an off-the-shelf computer application without altering the source document or the application" (Abstract). The additional indicia may "include marking a document 'CONFIDENTIAL' or 'COPY' or sequentially numbering a series of documents" (col. 1, lines 24-28).

To whatever extent the Weinberger reference discloses a general printer driver, however, it does not teach or suggest "calling a general printer driver directly from an application executed by the client computer" as recited in claim 1. The Universal Print Driver Dynamic Link Library is illustrated as UNIDRV.DLL 10 in Figs. 2 and 3 of the Weinberger reference. As is clearly illustrated, UNIDRV.DLL 10 is never called directly from application 1. Rather, application 1 calls mini-driver 8 (8a-c), which in turn calls UNIDRV.DLL 10. With regard to UNIDRV.DLL 10 and mini-driver 8 (8a-c), the Weinberger reference teaches:

> "Universal Printer Driver Dynamic Link Library (UNIDRV.DLL) 10 is provided as part of the Windows 3.1 operating system along with user selectable, printer specific mini-drivers 8a-8c. The mini-driver provides the entry interface for the application GDI function calls 7 and includes a set of tables containing printer specific information. It in turn passes the GDI calls on to entry points 9 into UNIDRV.DLL 10, where they are processed into printer specific commands and image patterns 11 for storage within a print spooler 12 or returned to the application 1 in the form of printer information or status 7. When the print generation operation is completed, the UNIDRV.DLL 10 signals the print spooler 12 to place the job into the printing queue. When the job reaches the top of the print request queue it outputs the contents to the printer 6 through printer port 5, from which the printer renders an image of the original source document onto paper" (col. 4, lines 2-18; emphasis added).

With regard to incorporating the additional indicia, the Weinberger reference teaches:

> "As shown in FIG. 3, the present invention uses an existing mini-driver 8 that has been modified so that it passes GDI information 14 to an external sub-application 15. The sub-application 15 is a program (more specifically a program contained within a dynamic link library) that monitors the stream of GDI commands and takes actions based on a selected set of GDI commands to modify the image that is being prepared for printing 28 by the UNIDRV.DLL 10. Control is then returned 16 to the printer mini-driver 8. Using this approach, a sub-application 15 is created and used with a properly modified mini-driver 8 to meet a variety of needs, such as edge printing, without requiring specialized knowledge

of the application 1" (col. 4, lines 59-67; emphasis added).

Applicants further note that, even if the combination of mini-driver 8 and UNIDRV.DLL 10 were somehow considered in combination to be the printer driver, claim 1 would still not be rendered obvious in that such a printer driver would no longer be general or generic, but rather would be printer-specific due to the inclusion of mini-driver 8.

Therefore, Applicants believe that at least for these reasons an obviousness rejection of claim 1 based on the Marbry and Weinberger references in combination would be improper.

Independent claims 9, 15, and 23 (all currently amended) all recite limitations similar to those of claim 1, discussed above.

Claim 9 recites "means for calling a general printer driver directly from an application executed by the client computer" and "wherein the general printer driver is accessible as a destination printer in a print menu".

Claim 15 recites "general printer driver code accessible as a destination printer in a print menu of an application executed by the client computer, the general printer driver code directly callable by the application when selected as the destination printer".

Claim 23 recites "the query initiated by an application executed by the client computer directly calling a general printer driver, the general printer driver accessible as a destination printer in a print menu".

For similar reasons as explained heretofore with regard to claim 1, the novel features of the present invention are not anticipated by the Marbry reference in that the essential element of a general printer driver accessible as a destination printer in a print menu is absent from the Marbry reference. Therefore, the rejection of independent claims 9, 15, and 23, and their corresponding dependent claims 13, 20-22, and 25-27 is improper at least for these reasons and should be withdrawn.

Also for similar reasons as explained heretofore with regard to claim 1, a subsequently-issued rejection under 35 USC Section 103(a) based on the Marbry reference in view of the

Weinberger reference would be improper.

Rejection Under 35USC Section 103

Claims 2, 3, 10, 16, and 17 have been rejected under 35 USC Section 103(a), as being unpatentable over U.S. patent 5,692,111 to Marbry at al. ("Marbry") in view of U.S. patent 5,644,682 to Weinberger et al. ("Weinberger"). Applicants respectfully traverse the rejection and request reconsideration based on the dependence of these claims on one of independent claims 1, 9, 15, and 23, whose reasons for allowability over the Marbry reference have been discussed heretofore and against which the Weinberger reference has not been cited.

Claims 4-5, 11-12, 18-19 and 24 have been rejected under 35 USC Section 103(a), as being unpatentable over U.S. patent 5,692,111 to Marbry at al. ("Marbry") in view of U.S. patent 5,644,682 to Weinberger et al. ("Weinberger") and further in view of U.S. patent 5,580,177 to Gase et al. ("Gase"). Applicants respectfully traverse the rejection and request reconsideration based on the dependence of these claims on one of independent claims 1, 9, 15, and 23, whose reasons for allowability over the Marbry reference have been discussed heretofore and against which the Weinberger and Gase references have not been cited.

Conclusion

Attorney for Applicants has carefully reviewed each one of the cited references made of record and not relied upon, and believes that the claims presently on file in the subject application patentably distinguish thereover, either taken alone or in combination with one another.
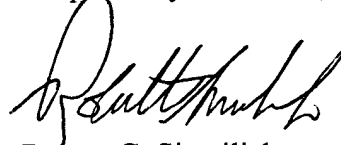
Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this case

to finality, the Examiner is invited to call the undersigned Robert C. Sismilich, Esq. at the below-listed telephone number.

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Respectfully submitted,

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